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### Question 1: Does the City have an existing Hotel/Motel Ordinance and is it enforceable?

Yes, Chapter 16.051 “Commercial Districts” Section 16.051.060 “Hotels/Motels” of the Claremont Municipal Code (CMC) is the City’s current/existing ordinance. All of the City’s current ordinance is enforceable except the following: The existing ordinance requires hotels/motels to allow the City to audit their records “at all reasonable times” (CMC § 16.051.060(F)). In 2015, the United States Supreme Court held that warrantless inspection requirements like this violate the Fourth Amendment to the United States Constitution. *City of Los Angeles v. Patel, 576 U.S. 409 (2015)*. The City’s Community Improvement Division, the Claremont Police Department, and the Los Angeles County Department Health are all responsible for certain enforcement components, which are detailed below.

### Question 2: What are the compliance/enforcement options for a Hotel/Motel Ordinance?

*Option 1:* Voluntary compliance – A hotel/motel owner voluntarily complies with the City’s Hotel/Motel Ordinance.

*Option 2:* Issue administrative citations (i.e. code enforcement) – If a hotel/motel owner does not voluntarily comply with the City’s Hotel/Motel Ordinance, the City’s Community Improvement Division and/or the Los Angeles Department of Public Health (LACDPH) can issue administrative citations to impose fines.

*Option 3:* Administrative nuisance abatement – The City of Claremont has established an administrative nuisance abatement process, as described, in part, below. The full procedure can be found in Chapter 8.16 “Public Nuisances” of the Claremont Municipal Code (CMC).

- If a building or property meets the definition of a public nuisance as described in Section 8.16.020 of the CMC, the Director of Community Development must serve the property owner with a Notice of Violation (CMC § 8.16.030).
- The CMC requires that a reasonable amount of time be established, which shall not be less than 10 days, within which the nuisance shall be abated or corrected by the property owner (CMC § 8.16.030). If an alleged nuisance is not properly abated within the period set forth in the notice provided pursuant to Section 8.16.030, the Director of Community Development or a code or law enforcement officer of the City shall serve the owner with a written notice of the City’s intention to abate the public nuisance described in the notice, in accordance with CMC Sections 8.16.060 and 8.16.080.
- The owner shall have the right to request a hearing on the abatement of the public nuisance within 15 days of the date indicated on the notice.
- Following the hearing on the abatement of a public nuisance, the City Manager shall consider all evidence and determine whether the property, in whole or in part, or any building or structure thereon, constitutes a public nuisance as alleged. The City Manager’s decision is appealable to the City Council (CMC § 8.16.110). Said appeal must be in writing and must be filed with the City Council no later than ten days from the date of the service of the City Manager’s order (CMC § 8.16.210).
- Within 45 days from the date of the City Manager’s receipt of the written appeal, the City Council shall, after review of the entire record, the City Manager’s report, and

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appellant's written appeal, and without further hearings on the matter, issue a resolution affirming, reversing, or modifying, in whole or in part, either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement. Such resolution shall be served upon the owners, or other appellants in accordance with Section 8.16.080 and shall inform the appellants of their right to file a judicial action to appeal said decision within thirty days pursuant to Section 8.16.220. The decision of the City Council shall be final (CMC § 8.16.210).

*Option 4:* The City Council may direct the City Attorney to commence a civil or, in some cases, criminal proceeding to abate a public nuisance. This could include an action under the Drug Abatement Act (Health and Safety Code § 11570 et seq.), and the Red Light Abatement Law (Penal Code § 11225 et seq.).

*Option 5:* If the motel is not operating in accordance with its Conditional Use Permit (CUP), the City's Community Development Department could request the Planning Commission revoke the CUP (pursuant to the procedures and standards in CMC § 16.303.080(D)).

*Option 6:* The City's licensing body and/or the City Council could suspend or revoke a motel's business license (pursuant to the procedures and standards outlined in CMC Ch. 5.20) if "necessary for the preservation and protection of public health, morals, safety or general welfare."

**Question 3: Does the City enforce the existing Hotel/Motel Ordinance and other laws pertaining to prostitution/human trafficking and other criminal/nuisance activity?**

Yes, City staff regularly responds to calls for service (code enforcement and police response) at the three "freeway motels" (Knights Inn, Motel 6, and the Claremont Lodge). More specific information is detailed below.

### **Code Enforcement – Calendar Year 2022**

- The City of Claremont's [Community Improvement Division](#) is responsible for responding to community concerns through proactive code enforcement, abatement, and community improvement strategies.
- The Los Angeles County Department of Public Health (LACDPH) – Environmental Health Division/ Lodging and Institutions Program is responsible for the enforcement of public health laws pertaining to hotels, motels, boarding homes, boarding schools, interim housing, and private school cafeterias. All of these named establishments that reside in Los Angeles County are required to hold a Public Health License in order to operate. The Lodging and Institutions Program conducts inspections of hotels, motels, interim housing, boarding schools, and boarding homes, including rooming houses, home for the aged, sober living facilities, boarding houses, lodging houses, and bed and breakfast facilities on an annual basis. Anyone can report a problem or notify LACDPH about activities that may be of public health concern by calling the Lodging and Institutions Program at (213) 351-0288 or filing a report on their [website](#). Because these matters are not in the City's purview, City of Claremont Community Improvement staff have requested that LACDPH include them in any inspections they conduct at Claremont hotels/motels.

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- Community Improvement staff responded to the Claremont Lodge in March because the monument sign had graffiti on it and a portion of the block wall was missing its cap. These issues have been resolved.
- A letter was sent to Motel 6 from the City's Community Development Department in April that detailed several property maintenance issues, and administrative citations were issued. Motel 6 filed an appeal of those administrative citations, and that appeal was upheld by the City's Hearing Officer. Motel 6 is actively to address the property maintenance issues.
- In May, Community Improvement staff responded to the Motel 6 due to miscellaneous items being stored outside. This matter has been resolved.
- The use of a gas leaf blower was reported at Motel 6 and subsequently cited in July.
- The Architectural Commission reviewed Motel 6's proposed landscape and site plan in October. Motel 6 appealed the Architectural Commission's approval of Motel 6's landscape plan to the City Council, and the City Council denied the appeal and affirmed the Architectural Commission's approval in full at its November 22, 2022 meeting.
- In September, trash/debris, dog feces, and an abandoned mattress were found near the tennis courts on the Motel 6 property. Trash and debris were also reported near the tennis courts in October.
- In October, the City received a complaint of living conditions in Room 269 at the Knights Inn. This issue was investigated and resolved by the end of the month. In November, an overgrown tree was also reported at the Knights Inn.
- As noted above, the United States Supreme Court held that warrantless inspection requirements violate the Fourth Amendment to the United States Constitution. As such, the Community Development Department has implemented an inspection program that requests all hotels and motels voluntarily grant the City's request to inspect each hotel/motel.

### Police Department Response

- Calls for service at the Motel 6 address: 1,619 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Arrests at the Motel 6 address: 122 between September 2020 and September 2022.
- Calls for services at the Knights Inn address: 679 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Arrests at the Knights Inn address: 58 between September 2020 and September 2022.
- Calls for services at the Claremont Lodge address: 554 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Arrests at the Claremont Lodge address: 58 between September 2020 and September 2022.
- Calls for service in the geographic area between the 10 freeway and American, and Indian Hill and Drake: 3,036 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- For arrests in the geographic area between the 10 freeway and American, and Indian Hill and Drake, there were 247 arrests between September 2020 and September 2022.
- On Thursday, May 12, 2022, the Claremont Police Department executed a special crime suppression detail at the hotels adjacent to the 10 Freeway along Indian Hill Boulevard. During

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the eight-hour detail, Officers made ten arrests. Officers arrested one individual in possession of a loaded concealed firearm and made a second arrest for possession of a “Ghost Gun” along with an extended gun magazine. The other arrests ranged from possession of Oxycodone and Xanax laced with fentanyl for sale, possession of narcotics, soliciting on the freeway, driving on a suspended driver’s license, and warrant arrests. Officers issued two hazardous citations and impounded one vehicle. The special crime suppression detail was coordinated in response to concerns from residents and businesses about the increase in criminal activity in the area surrounding the hotels.

- On August 26, 2022 and September 15, 2022, the Claremont Police Department along with the Pomona Police Department and the Los Angeles County Probation Department conducted a two-day prostitution detail in the area of Indian Hill Blvd. and IS-10 freeway. During the two-day enforcement detail, a total of 19 subjects were arrested for solicitation for prostitution. One individual arrested was on active parole, a registered sex offender and wearing a GPS monitoring ankle bracelet as one of his conditions of parole. He was taken to the West Valley Detention Center where he was booked and held pending his court appearance. The other 18 arrestees were transported to the Claremont Police Department Jail, where they were booked and later released on citations. The special crime suppression detail was coordinated in response to concerns from residents and businesses about the increase in criminal activity in the area surrounding the hotels.
- On November 4, 2022, the Claremont Police Department and the Los Angeles County District Attorney’s Bureau of Investigations conducted an undercover prostitution detail in the area of Indian Hill Blvd. and IS-10 freeway. The Claremont Police Department receives multiple complaints from residents, business owners, and passerby’s regarding prostitution in the immediate area. During the enforcement detail, 15 subjects were arrested for soliciting a “Prostitute” for sexual acts. A 16th individual, identified as Jose Berrios, 39 years old from Lake Elsinore, and a registered sex offender for “Pimping and pandering,” was arrested when he attempted to “Pimp and pander” the three undercover officers.

### Question 4: What are other cities doing to address “nuisance motels”?

- Acquiring motels and converting them into housing for people experiencing homelessness (Some examples include: City of Long Beach – [Luxury Inn](#), [Motel 6](#); City of Anaheim – [Tampico Motel](#), [Anaheim Lodge](#); City of Fresno – [Four motels along “Motel Drive”](#); City of Stanton – [The Tahiti Motel and Stanton Inn and Suites](#))
- Administrative or civil nuisance abatement (Some examples include: City of Dana Point – [Seaside Inn](#); City of Dana Point – [Harbor Inn](#); City of Los Angeles – [Hometown Inn](#); City of Denver, CO – [7 Star Motel](#); City of Columbus, OH – [America’s Best Value Inn](#); City of San Pedro (LA City Attorney) – [Palos Verdes Inn Hotel](#))

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### Question 5: Who provides guidance to the City Council and City staff regarding nuisance abatement action that the City can pursue?

The City's legal counsel (either the City Attorney's Office or special counsel) provides this guidance. To preserve the confidential and privileged nature of these attorney-client communications, the City typically does not publicly disclose the legal guidance it receives from its attorneys.

### Question 6: Has Long Beach's Ordinance been effective in combatting crime/nuisance activity and has it stood up to any legal challenges?

- Long Beach pursued a parallel path by adopting a Nuisance Motel Ordinance and an Interim Motel Conversion Ordinance simultaneously, which set the groundwork for ramping up Project Roomkey and Homekey hotel conversions during the COVID-19 pandemic.
- Since the adoption of the ordinances, neither of them have been legally challenged. The city has purchased one motel, and they are in the process of purchasing another motel, which they will convert into temporary housing for people experiencing homelessness.
- Before presenting these ordinances to their City Council, Long Beach staff created an internal/staff Task Force (City Attorney, Community Development, Public Works, and other City departments) and compiled three years (2014-2017) of "calls for service" data. The data analysis was done for all hotels and motels citywide and staff presented objective analysis to all hotel and motel operators, including the 6 nuisance locations that they identified through the data. In their data analysis, they differentiated between "Priority 1" (top priority) and lower priority calls (i.e. violence vs. nuisance issues) to determine which locations were the most dangerous. The results of their data analysis led to the launch of a Nuisance Motels Pilot Program (1 year program, 6 nuisance motel locations) in 2018. The total data collection/analysis/outreach/development process took three years before the final ordinances were presented to their City Council. During this process (pre-ordinance adoption), calls for service were decreasing at the nuisance motels, likely due to motel operators' awareness of the pending ordinances.
- Data analysis has not been conducted post-pandemic/since the ordinances were adopted in 2020. Long Beach staff is re-analyzing data now (post-pandemic) at the direction of their Council because some of the criminal/nuisance issues appear to be resurfacing.

### Question 7: Why didn't City staff recommend a "Nuisance Motel Ordinance" or the "Long Beach Ordinance" to the Planning Commission?

In April 2022, the Claremont Police Commission approved a Statement of Direction regarding enforcement of laws affecting prostitution and crime related to motels within the city. Their direction was not to duplicate the "Long Beach Ordinance," and their intent was for their Statement of Direction to apply to all hotels and motels citywide. Their Statement of Direction was what guided the "Police Commission recommended" version of the Ordinance that was presented to the Planning Commission on October 4, 2022. Additionally, staff recommends a more proactive approach (i.e. an ordinance that applies to all hotels and motels, with heightened requirements for freeway motels due to their location and configuration) rather than a reactive approach (i.e. a nuisance motel ordinance that addresses the steps taken after a motel is declared a nuisance).

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### Question 8: Why did City staff recommend a proposed ordinance that differs from that of the Police Commission's recommendation?

City staff used the Police Commission recommended ordinance to conduct outreach with management representatives from each of the five hotels/motels in Claremont as well as legal counsel for the California Hotel & Lodging Association and California Association of Boutique & Breakfast Inns, and legal counsel for the Motel 6 located in Claremont. Staff also relied on the expertise of the City's Police Department, Community Improvement Division, Planning Division, and the advice of its City Attorney's Office to refine the Police Commission recommended ordinance. Staff's goal is to balance several competing interests and objectives, including without limitation: the community's desire for enhanced oversight and enforcement tools for motels in areas susceptible to crime; the hoteliers' desire to be free from costly and burdensome governmental requirements; and constitutional constraints that have become more clear in the 18 years since the City adopted its Hotel/Motel Ordinance. Importantly, the Police Commission formed their Statement of Direction (which contains recommendations on potential provisions for a new or amended Hotel/Motel Ordinance) without the benefit of input from staff, the City Attorney's Office, or industry stakeholders. It was understood that the Police Commission's Statement of Decision was a starting point that would be more fully vetted before any proposals were presented to the City Council.

### Question 9: Why did City staff recommend that the Hotel/Motel Ordinance not require guests to have a permanent address?

Requiring that a guest have a permanent address would preclude hotels/motels from providing rooms to unsheltered individuals and individuals who have chosen to not have a permanent address. The City and other agencies may use local hotels/motels for voucher programs to get unsheltered individuals off the street and oftentimes, these people do have an identification card with an address on it, which may be a last known address, a PO Box, or another address where they receive mail.

Additionally, recently re-elected Attorney General Rob Bonta has taken the position that voucher program limitations violate California's Fair Employment and Housing Act (FEHA) by discriminating against hotel residents based on income source. His office's press release is available online at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-demands-city-el-cajon-immediately-rescind-warning-notices>, and a demand letter he sent to the City of El Cajon is available online at <https://oag.ca.gov/system/files/attachments/press-docs/AGO%20Letter-El%20Cajon%2009.23.22.pdf>. This also means that the City cannot limit the number of housing vouchers that a motel or hotel may choose to accept.

### Question 10: Why did the Police Commission and City staff recommend that hotel/motel guests be required to present a valid form of identification and a credit or debit card upon checking in to a hotel/motel?

One of the most effective ways to deter criminal activity (including identity fraud) is to require guests to provide a valid credit or debit card and to present that card with a valid identification that matches the name on the credit/debit cards. The City's existing ordinance does not require this (i.e., hotels/motels can accept cash payment). In their professional experience, the Claremont Police

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Department has found that it is fairly simple for someone to steal a credit or debit card and use it without permission, and it is fairly simple for someone to obtain a fake ID, but it is far more difficult to obtain a stolen credit or debit card and also produce a valid form of identification that matches said card. Although these requirements may result in some people being excluded from being able to rent a hotel or motel room, industry stakeholders have shared with staff that this is already a common practice in the hotel/motel industry (many chain hotels/motels already require this). Staff recommends that hotels/motels only be able to accept cash payments if the hotel/motel can validate the patron's identification and credit or debit card.

**Question 11:** Can the City of Claremont demand access to hotel or motel rooms when residents/guests make the City aware of health and safety concerns?

Generally, no. In 2015, the United States Supreme Court held that warrantless inspection requirements violate the Fourth Amendment to the United States Constitution *City of Los Angeles v. Patel*, 576 U.S. 409 (2015), meaning that City staff (including police) cannot demand access to specific motel or hotel rooms – even to respond to complaints, possible criminal activity, or possible code enforcement issues – without a warrant. To access a non-public area of a hotel or motel (including a guest room), the City must have one or more of the following: (1) consent; (2) a warrant; (3) notice that provided an opportunity for pre-compliance judicial review; or (4) exigent circumstances.

In addition, the Los Angeles County Department of Public Health (LACDPH) is the only agency with the authority to issue a Public Health License/Permit in the City of Claremont. All hotels and motels are required to obtain a Public Health License in order to operate. Specifically, the LACDPH Environmental Health Division/Lodging and Institutions Program is responsible for the enforcement of public health laws pertaining to hotels, motels, boarding homes, boarding schools, interim housing, and private school cafeterias.

The LACDPH Lodging and Institutions Program conducts routine inspections of hotels, motels, and other housing facilities within their purview on an annual basis. They also conduct complaint investigations. Anyone can report a problem or notify LACDPH about activities that may be of public health concern by calling the Lodging and Institutions Program at (213) 351-0288 or filing a report on their [website](#). City of Claremont Community Improvement staff have requested that LACDPH include them in any inspections that they conduct at Claremont hotels/motels.

**Question 12:** When and how was community and stakeholder outreach conducted throughout this process?

- Multiple Police Commission meetings.
- Outreach conducted by Police Commission Ad-Hoc Committee.
- Staff has held numerous meetings with the owners of Motel 6, Knights Inn, and the Claremont Lodge to specifically discuss criminal and nuisance activity at each respective motel.
- Staff, City Attorney, and Hotel/Motel Stakeholder meeting on September 19, 2022.
- Planning Commission meeting on October 4, 2022.
- Staff and City Attorney meeting with the Committee for Safe and Healthy Housing on November 14, 2022.

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- Staff and City Attorney meeting with Los Angeles Citywide Nuisance Abatement Program (CNAP) Team on November 22, 2022.
- Hotel/Motel Community Listening Session on November 29, 2022. Please note that no proposed ordinances were presented at this meeting. No decisions regarding the Hotel/Motel Ordinance were made at the Community Listening Session as it was not a Brown Act meeting. The Listening Session was an opportunity for members of the public to ask questions and provide feedback on a proposed Hotel/Motel Ordinance.
- Joint Meeting of the Police and Planning Commissions on January 28, 2023.
- Updates and information has been shared with residents via the City's weekly electronic newsletters, quarterly mailed newsletters, social media, and the City website.

**Question 13: Can the City revoke a business license (based on calls for service/nuisance and criminal activity), and what would that process look like?**

The City may suspend or revoke a business license in the event that, "it is necessary for the preservation and protection of public health, morals, safety or general welfare." A business owner shall be given written notice at least five days prior to the date for the proposed revocation of their business license. In the event that any officer or body other than the City Council revokes such the business license pursuant to the Chapter 5.20 of the Claremont Municipal Code (CMC), the business owner may appeal the decision of the officer or body pursuant to provisions of this chapter.

**Question 14: How frequently can hotel/motel inspections be conducted?**

The Los Angeles County Department of Public Health (LACDPH) Lodging and Institutions Program conducts routine inspections of hotels, motels, and other housing facilities within their purview on an annual basis. They also conduct complaint investigations, so the total number of health department inspections each year is dependent upon complaints received.

To ensure the safety and satisfaction of those who are visiting our Claremont hotels and motels, the Claremont Building Division has initiated a proactive building and safety inspection program, which consists of periodic inspections of ALL hotels and motels by Building Inspection and Community Improvement staff. The goal is to visit 5-10 unoccupied guest rooms and accessible common areas at each of the five hotels/motels in Claremont to ensure that building and safety standards are being met. All five hotels/motels in Claremont have agreed to participate in this voluntary program, and inspections have already begun. The City is appreciative of the opportunity to work with all hotels and motels to improve our community and further support a vibrant local economy.

**Question 15: Why does a hotel/motel owner need to be notified before an inspection?**

In 2015, the United States Supreme Court held that warrantless inspection requirements violate the Fourth Amendment to the United States Constitution *City of Los Angeles v. Patel*, 576 U.S. 409 (2015), meaning that City staff (including police) cannot demand access to specific motel or hotel rooms – even to respond to complaints, possible criminal activity, or possible code enforcement issues – without a warrant. To access a non-public area of a hotel or motel (including a guest room), the City

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must have one or more of the following: (1) consent; (2) a warrant; (3) notice that provided an opportunity for pre-compliance judicial review; or (4) exigent circumstances.

**Question 16:** When LA County Department of Health goes out to inspect a hotel/motel, what are they looking for?

Inspection results (i.e. full reports including inspection criteria) are publicly available on LACDPH's website: <https://ehservices.publichealth.lacounty.gov/>. Any member of the public may use this link to search for a facility name, click "Inspections," and then click "Details" next to each listed inspection.

**Question 17:** What programs does the Los Angeles Citywide Nuisance Abatement Program (CNAP) offer and are they effective?

The Citywide Nuisance Abatement Program (CNAP) is a collaboration between the Los Angeles City Attorney's Office, LAPD, Building and Safety and City Planning, which targets abandoned structures and nuisance properties in neighborhoods across the city. CNAP also encourages participation from residents and local area businesses in identifying problem properties.

CNAP spearheads a number of specialized, community-based programs that target criminal activity and improve the quality of life, including:

- Taking Out Urban Gang Headquarters (TOUGH)
- Violence and Crime Activated Tenant Eviction (VACATE)
- Problem Properties Resolution Team (PPRT)
- Narcotics and Vice Building Abatements
- Abandoned Building Abatements

Specific information on all of these programs can be found on Los Angeles City Attorney Mike Feuer's website: <https://www.lacityattorney.org/nuisance-abatement>.

While much of the information/statistics surrounding cases that CNAP has been involved in is not public information, the CNAP program has been in existence for 30-plus years and has received multiple federal and state grants for its public safety work, as well as numerous awards for its public safety successes.

**Question 18:** What is the City's total operating budget? What is the Claremont Police Department's budget? How much revenue do the three freeway motels (Motel 6, Knights Inn, and Claremont Lodge) generate?

Budgeted revenues for the City of Claremont in 2022-2023 total \$59,703,595, which includes \$1.375 million in Transit Occupancy Tax (TOT). While the amount of TOT that each specific business generates in the City is not public information, it is estimated that the three freeway motels will generate approximately \$400,000 in revenue in 2022-2023.

The Police Department's budget for fiscal year 2022-2023 is \$15,051,821.

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### Question 19: How much revenue does South Claremont generate for the City?

In the most recent completed fiscal year (2021-2022), the businesses in the area of Claremont south of San Jose Avenue generated approximately \$3.6 million in sales tax revenue for the City. This represents about 57% of sales tax revenues generated by businesses with point of sale locations in the City of Claremont.

### Question 20: How many calls for service did the Claremont Police Department receive over the last few years (September 2020 – September 2022), and what percent of these were at the freeway motels?

- Total Police Department Calls for Service – September 2020 thru September 2022: 58,234. Of this total, 2,852 were calls for service at the three freeway motels (detailed below).
- Calls for service at the Motel 6 address: 1,619 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Calls for services at the Knights Inn address: 679 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Calls for services at the Claremont Lodge address: 554 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.

### Question 21: What is the timeline to implement revisions to the City's Hotel/Motel Ordinance? Why has this process taken so long? How long will the City take questions and feedback from the community?

For the past several years, the City's Police Department, Community Improvement Division, and Planning Division have been working to address criminal, code enforcement, and nuisance activities in and around the motels located near the I-10 freeway.

In 2021, the City's Police Commission established an Ad Hoc Committee to evaluate the increase in criminal activity around the motels and provide recommendations on possible actions to address the increase in crime. In April 2022, the Claremont Police Commission approved a Statement of Direction that, among other things, recommended conceptual provisions for a new or amended Hotel/Motel Ordinance. The Police Commission created its Statement of Direction as a starting point. At the 2022 City Council Priorities Planning Workshop, the City Council adopted an objective to evaluate amendments to the City's existing Hotel/Motel Ordinance, which was originally adopted in 2004.

The Statement of Direction was given to City staff to further review and develop a draft ordinance. City staff consulted with the City Attorney's Office and Police Department while drafting a revised version of the amendments to ensure it complied with State and local laws. Staff met with management representatives from each of the five hotels/motels in Claremont as well as legal counsel for the California Hotel and Lodging Association and California Association of Boutique & Breakfast Inns and legal counsel for the Motel 6 located in Claremont.

Because these code amendments would require an amendment to the City's Zoning Code, public hearings are required for both the Planning Commission (for a recommendation) and the City Council (for final approval). On October 4, 2022, City staff presented a staff report to the Planning Commission with proposed amendments to the City's Hotel/Motel ordinance. The version presented by staff to the

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Planning Commission attempted to balance several competing interests and objectives. At the meeting, the Planning Commission received extensive public comment from the community. Based on this input, the Planning Commission recommended postponing a decision and requested staff arrange a joint meeting with the Planning Commission and Police Commission.

At the joint meeting of the Planning Commission and the Police Commission, staff will recommend that the Commissioners discuss potential amendments to the City's existing Hotel/Motel Ordinance and provide direction to staff on the contents of a draft of an amended ordinance to bring back to the Planning Commission (for a recommendation) and City Council (for adoption). All updates and information on the Hotel/Motel Ordinance may be found on the City's website: <https://www.ci.claremont.ca.us/living/hotel-motel-ordinance>.

Assuming that the Planning and Police Commissions provide conceptual direction to staff at their joint meeting, and again because these code amendments would require an amendment to the City's Zoning Code, public hearings will be required for both the Planning Commission (for a recommendation) and the City Council (for final approval). Below is a tentative timeline assuming that the Planning Commission recommends approval of an ordinance without additional continuances.

- Conceptual direction received at the 1/28/23 joint meeting (Police and Planning Commissions)
- 10-day notice required for 2/21/23 PC meeting
- 2/21/23 PC meeting (PUBLIC HEARING – to recommend City Council approval of the ordinance)
- 10-day notice required for 3/14/23 City Council meeting
- 3/14/23 City Council meeting (PUBLIC HEARING – first reading and introduction of ordinance)
- 3/28/23 City Council meeting (Consent Calendar – second reading and adoption of ordinance)

The ordinance would then go into effect 30 days after the second reading and adoption.

**Question 22:** How does the City of Long Beach's "Interdepartmental Team" referenced in their Nuisance Motel Ordinance work?

The City of Long Beach defines their "Interdepartmental Team" as, "a team of City staff from multiple Departments, including but not limited to; the Health Department, Department of Development Services Code Enforcement and Planning Bureaus, and if necessary, the Fire Department, Police Department, City Prosecutor's Office, and City Attorney's Office."

Long Beach's interdepartmental team originally planned to meet on a regular basis for monitoring/compliance/enforcement purposes. Due to many staffing changes since the ordinance was originally developed (most notably the dissolution of the city's Innovation Team, which originally led the work), the team fell into meeting on an irregular ad-hoc responsive basis. In the past few months, City of Long Beach staff has begun work to: 1) Assess different departments' capacities for involvement and staffing the team, and 2) Determine the meeting frequency and purpose.

**Question 23:** Why do some of the hotels/motels allow for day use rates?

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Renting a hotel for a “day use” is something that many hotel chains (i.e. Marriott, Double Tree by Hilton, etc.) offer at some of their locations. The purpose is for business travelers who may need a place to freshen up or wait for a flight, but do not need an overnight hotel stay. The Double Tree in Claremont offers day use rates and have not reported issues with day use guests.

**Question 24:** Does the City have any say in which hotels or motels may choose to accept “voucher guests” (i.e. people experiencing homelessness who receive motel vouchers from providers like Tri-City or Volunteers of America)? Who is responsible for ensuring that these people receive adequate resources? What role does the City’s Homeless Navigator play in all of this?

The City of Claremont has no control over which hotels or motels choose to accept motel vouchers. There are several service providers throughout Los Angeles County who issue these vouchers to their clients.

Tri-City Mental Health is the local mental health authority serving the cities of Claremont, La Verne, and Pomona, and they do issue motel vouchers to their clients when they see fit. Tri-City ensures that anyone who receives a motel voucher from them is connected to resources and that they do not stay at a motel for more than 28 days (as to not establish residency). Tri-City also provides continuing case management to those clients utilizing motel vouchers, as is the responsibility of the issuing agency to ensure that their client has adequate resources.

Tri-City’s Community Navigator program consists of highly trained staff who specialize in linkage and referral to local resources. This dedicated team helps individuals, families and caregivers gain access to needed resources, including informal community supports and formal services. Community Navigators identify and verify current available services to ensure community members are quickly connected to the support they need. Through the City’s partnership with Tri-City Mental Health, the City has one dedicated Navigator to serve the City of Claremont.

**Question 25:** Does the City know how many voucher guests are currently staying at freeway motels? How many of them were housed there as a result of the COVID pandemic? Does the City have projections for future voucher guest stays? Why isn’t information related to voucher programs public information?

The City is not privy to the specific number of voucher guests that are staying at Claremont motels at any given time, including those who may have received vouchers through LA County’s Project Room Key throughout the COVID-19 pandemic. Further, recently re-elected Attorney General Rob Bonta has taken the position that voucher program limitations violate California’s Fair Employment and Housing Act (FEHA), meaning that cities cannot limit the number of housing vouchers that a motel or hotel may choose to accept.

**Question 26:** What does an “extended stay” hotel mean?

Extended-stay hotels are also known as long-term stay hotels. These are beneficial to people who need to stay from several days to a month or more, such as business travelers on extended trips. In the City’s existing Hotel/Motel Ordinance, there are special permits and requirements for long-term stay hotels, which can be found in Section 16.051.060 of the Claremont Municipal Code:

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[https://library.qcode.us/lib/claremont\\_ca/pub/municipal\\_code/item/title\\_16-chapter\\_16\\_051-16\\_051\\_060](https://library.qcode.us/lib/claremont_ca/pub/municipal_code/item/title_16-chapter_16_051-16_051_060).

**Question 27:** How many citations have been issued at the freeway motels in the past year and what is the status of each?

A letter was sent to Motel 6 from the City's Community Development Department in April that detailed several property maintenance issues, and three administrative citations were issued in April 2022. The total fine for the three citations was \$800. Motel 6 filed an appeal of those administrative citations, and the City's Hearing Officer affirmed the three citations. As a result of this decision, the Motel 6 must pay both the \$800 fine and the \$3,623.50 that it cost the City to hold the appeal hearing. In addition to these three citations, the use of a gas leaf blower was reported at Motel 6 and subsequently cited in July.

Generally speaking, when the City is made aware of a code enforcement concern, Community Improvement Officers respond to the location to investigate. If there are any violations, they make contact with the property owner in hopes of getting voluntary compliance and in such cases there is no need to issue citations. No citations have been issued to the other freeway motels – any complaints received about Knights Inn and Claremont Lodge were promptly corrected by the respective owners.

**Question 28:** Why has the City not declared any of the freeway motels as a nuisance?

The City's Police Department and Community Improvement staff are working with each of the freeway motels to address any criminal and nuisance activities on their sites. If conditions do not improve or worsen, declaring one or more of these motels a nuisance is an enforcement tool the City may use in the future.

**Question 29:** Why doesn't the Police Department want secured gates around parking areas at the motels? What would the benefit be to implementing a permit parking system at each motel instead?

Staff recommends that permit parking (not secured parking) be required for freeway motels, as freeway motels are more likely to attract criminal and nuisance activity as a result of their location and configuration. A permit parking system allows the motel operator and City staff (including the Police Department) to quickly and easily verify which vehicles belong to registered guests. Additionally, motels would have the ability to tow vehicles that do not have permits, and if a motel fails to enforce parking permit requirements, the City could initiate code enforcement proceedings against the motel for violations of the ordinance. Secured parking is problematic because City staff (including the Police Department) would need the motel's permission, a warrant, or exigent circumstances to enter the parking area, which could lead to an increase in the amount of criminal and nuisance activities in the parking areas.

**Question 30:** What are motel owners doing to work with the City and its residents to mitigate the criminal and nuisance activity near the freeway motels?

Staff has held several meetings with management from the Knights Inn, Claremont Lodge, and Motel 6 regarding criminal and nuisance activity near the freeway motels. Management from all of these motels have expressed that they will work with City staff to deter criminal and nuisance behavior from

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occurring at their respective motels. Motel staff has been encouraged to call the Claremont Police Department if there is suspicious activity occurring on their premises.

Additionally, to ensure the safety of those who are visiting our Claremont hotels and motels, the Claremont Building Division has initiated a proactive building and safety inspection program, which consists of periodic inspections of all hotels and motels by Building Inspection and Community Improvement staff. The goal is to visit 5-10 unoccupied guest rooms and accessible common areas at each of the five hotels/motels in Claremont to ensure that building and safety standards are being met. Staff is hopeful that if hotels/motels are properly managed and maintained, then they will deter criminal/nuisance behavior.

All five hotels/motels in Claremont have agreed to participate in this **voluntary** program, and inspections have already begun, with the rest scheduled to occur in the coming weeks. The City is appreciative of the opportunity to work with all hotels and motels to improve our community and further support a vibrant local economy.

Question 31: There seemed to be uncertainty as to just exactly who is renting the rooms. The pimps? The Johns? The prostitutes? Someone else? Some combination? If we know who it is, can we write something in the ordinance that would disrupt the sex business?

Based on what the Police Department has seen when responding to calls for service, sex acts are generally not occurring in motel rooms. The sex workers and/or pimps typically rent the rooms and use the motels as their “home base” to seek out johns on Indian Hill and/or Holt Blvds. It is already illegal under California law for a motel or hotel operator to allow prostitutes to engage in the sale of sexual services at their business.

Question 32: We are not the first city with a prostitution problem. Would it not be possible to ask the League of California Cities (or similar group) what other places like us and Long Beach, have had a similar problem? And what have they done that was effective to combat it?

Some cities have programs (i.e. “Neighborhood Law Programs” or “Specialized Multi-Agency Response Teams” - S.M.A.R.T.) to address nuisance properties and available legal remedies. The goal of such programs is for public safety officials to discuss neighborhood nuisances with the City Attorney’s Office and other City departments (i.e. drug abatement/red light abatement; illegal dumping; code enforcement; and other quality of life issues). These programs consist of an interdepartmental team that meets to proactively address areas or businesses that are experiencing high levels of crime or nuisance activity, much like what staff is recommending be included in the Hotel/Motel Ordinance. The tools that these programs utilize already exist in the Claremont Municipal Code (i.e. commercial landscaping standards; environmental protection standards; the authority to declare structures, uses, or conditions on a property to be a “public nuisance”; code enforcement; community outreach; health/safety/cleanliness standards for certain businesses). If ultimately approved, the proposed City Interdepartmental Team (CIT) will actively engage available tools and resources and provide quarterly reports (on the City’s website) as well as a comprehensive annual report (to the City Council during a regular public meeting). Specific to prostitution and human trafficking in and around Claremont, the Claremont Police Department works with community partners such as the Inland Valleys Anti-Human

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Trafficking Task Force, Project Sister Family Services, and the Pomona Police Department's Sexual Exploitation and Trafficking Team (SETT) to connect victims to resources.

Question 33: One change in the new ordinance is to insist that the motels construct some sort of fence or similar control to keep out people who did not rent the room and occupy it. Can we write this just to cover the freeway motels? This seems a bit too discriminatory. It also seems to me that this would be expensive. Are we trying to force them out of business? At the same time however, the ordinance allows occupants – the “guests” – to have visitors. Is this not self-defeating? Can we legally limit visitors?

- Due to their location and building configuration, motels near freeways are especially susceptible to criminal and nuisance activity. In a motel, guests can come and go from their rooms with minimal observation or supervision by the motel's employees or other guests, and a motel with close proximity to a freeway onramp is ideal for evading law enforcement. For these reasons, heightened requirements for freeway motels (defined as motels within one half (1/2) mile of an on or off ramp of the I-210 or I-10 freeways) can be imposed. If recommended by the Planning Commission and ultimately approved by the City Council, these heightened requirements could include measures like: a guest register, secured parking, and surveillance cameras.
- We are not trying to drive any motels out of business. Staff conducted outreach with the local hoteliers (including the owners of the local motels) to assess the financial, administrative, and operational burdens the proposed requirements would impose on hotels and motels. Staff is not recommending changes in the proposed Hotel/Motel Ordinance that would impose a significant burden on hotels/motels unless the change is in line with best practices in the industry and would deter or reduce criminal and nuisance activity. The California Hotel and Lodging Association provided a letter prior to the October 4, 2022 Planning Commission meeting outlining their concerns about the financial and operational feasibility of some of these potential new requirements. Staff adjusted its recommendations in response to these concerns (e.g., staff is no longer recommending secured parking).
- The ordinance can limit visitors or require visitors to sign in to the guest register. For example, the Long Beach's Nuisance Motel Ordinance currently restricts unregistered adult visitors between 10pm and 6am. It is important to note, however, that their ordinance has not been legally challenged.

Question 34: How often do people rent a room for 30 days? How common is this? How do the freeway motels compare to Doubletree? If Doubletree has long term occupants, do they do any extra vetting of the guests, beyond requesting a photo ID and credit card?

Most hotels and motels have indicated that they will not let guests stay 28 days or more as they do not want them to establish residency in their establishment. Here is the response provided by the Double Tree – “We generally do not do regular guest rentals for 30 days and it potentially becomes a tenant issue after 30 days. However, we do get guests that do stay more than 30 days and usually due to relocation due to a fire or flood in their home. They are pre-vetted by the contracting insurance company and usually local. We would be OK with remaining with stays less than 30 days with an

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approval option for the above by city staff. Government contracted long term stays also bring us revenue at times. Never an issue.”

Question 35: Related to this, are the rooms that are being used by the sex workers rented for long periods or just one or two nights? Is there a pattern?

There is no pattern; the length of nightly stays varies.

Question 36: Is day use (as opposed to overnight stays) a problem? How common is this type of use? How about with Doubletree?

The Claremont Police Department has not seen that day-use rates contribute to the nuisance and criminal activity that frequently occurs at the freeway motels. Response from Double Tree – “We have had zero as they are indeed business people with 134 non-issue stays last year.”

Question 37: Can the Police Department compile data on arrests that are specific to prostitution? What percentage of citywide prostitution is occurring at freeway motels? What is the breakdown of other arrests being made near freeway motels?

For the Knights Inn – South side of San Jose Ave to the north side of the 10 freeway / west side of Knights Inn to the west side of Indian Hill Bl.

For Claremont Lodge – South side of San Jose Ave to the north side of the 10 freeway / east side of Indian Hill Bl. to the west side of College Ave.

For Motel 6 – South side of the 10 freeway to the north side of American Ave. / east side of Indian Hill Bl. to the East property line of Motel 6

Between November 1, 2020 to November 30, 2022, there were:

51 prostitution arrests – there were no other arrests for prostitution in the City outside of this geographical area.

The top five arrest categories in this area during that time frame are:

Warrant Arrests – 85

Prostitution – 51

Possession of narcotic paraphernalia – 24

Possession of narcotics – 20

DUI – 13